



U.S. Department of Commerce
National Oceanic and Atmospheric
Administration



U.S. Environmental
Protection Agency

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Dear Mr. Foster and Ms. Snow:

During our recent check-in call about Oregon's Coastal Nonpoint Pollution Control Program (CNPCP), there was some confusion about which items would need to be included in NOAA and EPA's final decision and public comment period regarding the state's CNPCP. To clarify, any interim approval NOAA and EPA issued after we first conditionally approved Oregon's program in 1998 would need to be included in our final decision and public comment period to fully approve Oregon's program. NOAA and EPA clearly noted this in our interim approval letters (see letters dated June 25, 2008, January 13, 2004, February 17, 2004, and April 20, 2004). For example, our June 25, 2008, interim decision letter states:

"Please note that NOAA and EPA's final decision on these conditions is contingent upon a public notice and opportunity to comment on our intent to fully approve Oregon's CNPCP. This process will occur once NOAA and EPA conclude that Oregon has met all of the conditions under Section 6217. The final decisions may also be subject to Tribal and ESA consultation."

When NOAA and EPA are ready to announce our intent to fully approve Oregon's CNPCP, our final decision must address how the state has satisfied all conditions placed on its program. Therefore, the public can provide comments on any of NOAA and EPA's proposed decisions and rationales explaining how we believe that Oregon has met its conditions. NOAA and EPA will carefully consider all comments received regarding our proposed approval and may need to go back to the state to clarify or strengthen our rationales. A summary of the 1998 conditions NOAA and EPA placed on Oregon's CNPCP are enclosed.

Sincerely,

Allison C. Castellan
Coastal Management Specialist
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Jayne Carlin
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Enclosure

**Summary of Conditions NOAA and EPA Placed on
Oregon's Coastal Nonpoint Pollution Control Program**

Management Measure	1998 Condition	Interim Approval Date
Boundary	Within one year, the Oregon Department of Land Conservation and Development (DLCD), Oregon Department of Environmental Quality (DEQ), U.S EPA, NOAA, and other relevant State, local, and federal agencies will participate in a cooperative process to review relevant information and determine an appropriate 6217 management area boundary consistent with established national guidance for the 6217 program.	January 2004
Agriculture—Large and Small CAFOs	Within two years, Oregon will include in its program management measures in conformity with the 6217 (g) guidance for facilities where animals are confined for less than four months and that do not have prepared surfaces or waste water control facilities. Also within two years, Oregon will provide a strategy (in accordance with section XII, pages 19-20) for use of the State's water quality law (ORS 468B) as a back-up enforceable mechanism to ensure implementation of the management measures for confined animal facilities as proposed on pages 48-50 of the State's program submittal.	January 2004
Agriculture—Erosion and Sediment Control, Nutrient, Pesticide, Grazing, and Irrigation Water Management	Within one year, Oregon will (1) designate agricultural water quality management areas (AWQMAPs) that encompass agricultural lands within the 6217 management area, and (2) complete the wording of the alternative management measure for grazing, consistent with the 6217(g) guidance. Agricultural water quality management area plans (AWQMAPs) will include management measures in conformity with the 6217(g) guidance, including written plans and equipment calibration as required practices for the nutrient management measure, and a process for identifying practices that will be used to achieve the pesticide management measure. The State will develop a process to incorporate the irrigation water management measure into the overall AWQMAPs. Within five years, AWQMAPs will be in place.	January 2004 (except approval of condition regarding having AQMAPs in place pending completion of South Coast AQMAP)
New Development, Site Development, Construction Site Erosion and Sediment Control, and Chemical Control	Within two years, Oregon will include in its program management measures in conformity with the 6217(g) guidance and enforceable policies and mechanisms to ensure implementation throughout the 6217 management area.	January 2004 (partial); New Development-- TBD
Watershed Protection and Existing Development	Within three years, Oregon will further develop its program to implement the management measures for watershed protection and existing development in conformity with the 6217(g) guidance throughout the 6217 management area.	January 2004
New and Operating Onsite Disposal Systems	Within two years, Oregon will finalize its proposal to inspect operating OSDS, as proposed on page 143 of its program submittal.	TBD
Roads, Highways and Bridges	Within two years, Oregon will (1) develop management measures in conformity with the 6217 (g) guidance for construction site chemical control; (2) develop enforceable policies and mechanisms to implement the roads, highways and	January 2004 (partial); June 2008 (full)

	bridges measures on all federal and State highways throughout the 6217 management area; (3) develop management measures in conformity with the 6217 (g) guidance and enforceable policies and mechanisms for local roads, highways, and bridges throughout the 6217 management area; and (4) provide a strategy (in accordance with section XII, pages 19-20) for use of the State's water quality law (ORS 468B) as a back-up enforceable mechanism to ensure implementation of the management measures for operation and maintenance and for runoff systems, as proposed on pages 155 and 157 of the State's program submittal.	
Marinas and Recreational Boating—Marina Flushing, Water Quality, Habitat Assessment	Within three years, Oregon will include in its program enforceable policies and mechanisms to implement the marina flushing and habitat assessment management measures throughout the 6217 management area.	June 2008
Marinas and Recreational Boating—Shoreline Stabilization, Stormwater Runoff, Fueling Station Design, Solid Waste Management, Liquid Material Management, and Petroleum Control	Within three years, Oregon will develop management measures in conformity with the 6217(g) guidance and enforceable policies and mechanisms to ensure implementation of these management measures throughout the 6217 management area.	February 2004
Marinas and Recreational Boating—Sewage Facility Management and Maintenance	Within three years, Oregon will include in its program enforceable policies and mechanisms to ensure implementation of these management measures throughout the 6217 management area.	February 2004
Marinas and Recreational Boating—Fish Waste & Boat Cleaning	Within three years, Oregon will issue an NPDES general permit for fish waste management, which will apply to all facilities identified in the 6217(g) guidance.	February 2004
Marinas and Recreational Boating—Boat Operation	Within three years, Oregon will include management measures in conformity with the 6217(g) guidance.	February 2004
Hydromodification	Within two years, Oregon will develop processes to identify and implement opportunities to (1) improve the physical and chemical characteristics of surface waters and instream and riparian habitat in existing modified channels and (2) stabilize eroding streambanks or shorelines causing nonpoint problems that are not reviewed under existing authorities. Also within two years, Oregon will include in its program the dam management measures for chemical and pollutant control and protection of surface water quality and instream and riparian habitat in conformity with the (g) guidance. Within three years, Oregon will also either modify the exemptions to the removal-fill	February 2004 (partial); December 2005 email (full)

	program or demonstrate that the exemptions do not preclude the State from fully implementing the management measures.	
Wetlands, Riparian Areas and Vegetated Treatment Systems	Within two years, Oregon will include in its program management measures in conformity with the 6217 (g) guidance to assure the protection of riparian areas. The State will also develop a process to promote the restoration of riparian areas in conformity with the 6217 (g) guidance.	February 2004 (partial); June 2008 (full)
Administrative Coordination	Within one year, Oregon will establish a process for ensuring coordination among State and local agencies with a role in the implementation of the coastal nonpoint program.	April 2004
Critical Coastal Areas, Additional Management Measures and Technical Assistance	Within two years, Oregon will identify and begin applying additional management measures where water quality impairments and degradation of beneficial uses attributable to forestry exist despite implementation of the (g) measures. Within two years, Oregon will develop a process for the identification of critical coastal areas and a process for developing and revising management measures to be applied in critical coastal areas and in areas where necessary to attain and maintain water quality standards. Also within two years, the State will develop a program to provide technical assistance in the implementation of additional management measures.	All but additional MM for forestry—April 2004; Additional MM for Forestry—TBD
Monitoring	Within one year, Oregon will include in its program a plan that enables the State to assess over time the extent to which implementation of management measures is reducing pollution loads and improving water quality.	June 2008